

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: )  
 )  
ANTONIO DARREL FERGUSON ) Case No. 20-01546-MH3-13  
KELLYE MICHELLE FERGUSON ) Chapter 13  
 ) Judge Harrison  
Debtors. )

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THE DEADLINE FOR FILING A TIMELY RESPONSE IS: September 30, 2020  
IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: October 14, 2020 at 8:30 am  
via AT&T Conference Line using call-in number 1-888-363-4749 and access code 6926390#

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**TRUSTEE'S NOTICE OF MOTION TO DISALLOW IN PART CLAIM OF U.S. BANK TRUST,  
NA (PAYEE BSI FINANCIAL SERVICES) (COURT CLAIM 16) AND REQUEST TO  
DETERMINE AMOUNT NECESSARY TO CURE THE DEFAULT AND MAINTAIN  
PAYMENTS**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion to Disallow in part the Claim of U.S. Bank Trust, NA (Payee BSI Financial Services) (Court claim 16) and Request to Determine Amount Necessary to cure the default and maintain payments

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <<https://ecf.tnmb.uscourts.gov>>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736 5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the Court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

/s/ James M. Davis  
James M. Davis  
Counsel to the Chapter 13 Trustee

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ANTONIO DARREL FERGUSON ) Case No. 20-01546-MH3-13  
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MOTION TO DISALLOW IN PART THE CLAIM OF U.S. BANK TRUST, NA (PAYEE BSI  
FINANCIAL SERVICES) (COURT CLAIM 16) AND REQUEST TO DETERMINE AMOUNT  
NECESSARY TO CURE THE DEFAULT AND MAINTAIN PAYMENTS

Henry E. Hildebrand, III, Chapter 13 Trustee, by and through counsel, respectfully requests that the Court disallow in part the claim of U.S. Bank Trust, NA (Payee BSI Financial Services) (Court claim 16) and requests that the Court determine the amount necessary to cure the default and maintain payments on the claim.

The proof of claim asserts a prepetition arrearage of \$23,124.89, which includes an escrow deficiency of \$4,818.95 and a projected escrow shortage of \$2,616.00. The proof of claim also states a postpetition payment, effective April 1, 2020, in the amount of \$1,374.94.

The projected escrow shortage on the proof of claim matches the target balance on the escrow statement attached to the proof of claim. But that statement provides an account projection that begins April 2020 (one month postpetition). The target balance for the month of filing in March 2020 would be one payment less (\$347.66 less). The Trustee, therefore, calculates a prepetition escrow shortage of \$2,268.34 and a total prepetition arrearage of \$22,777.23.

The stated postpetition payment on the proof of claim is not consistent with the escrow statement. The statement shows a base escrow payment of \$347.66. Because the confirmed plan provides to cure the prepetition arrearage (the full deficiency and projected shortage), the postpetition payment should not include any additional amount to recover a prepetition escrow shortage.

WHEREFORE, the premises considered, the Trustee requests that the Court determine that the amount necessary to cure the prepetition default for the claim of U.S. Bank Trust, NA (Payee BSI Financial Services) (Court claim 16) is no greater than \$22,777.23 and that the Court disallow the claim to the extent it states a prepetition arrearage greater than that amount. The Trustee further requests that the Court determine that the amount necessary to maintain payments on the claim under § 1322(b)(5) is \$1,326.44 (principal and interest \$978.78 and escrow \$347.66). The Trustee also requests that the Court award any other relief that the Court determines is appropriate.

Respectfully submitted,

/s/ James M. Davis  
James M. Davis  
Counsel to the Chapter 13 Trustee  
P. O. Box 340019  
Nashville, TN 37203-0019  
615-244-1101; Fax 615-242-3241  
www.ch13nsh.com  
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on August 31, 2020, true and correct copies of the attached notice, motion, and proposed order were served in the following manner:

***By Electronic Case Noticing to:***

U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203

***By U. S. Postal Service, postage prepaid to:***

Antonio Darrel Ferguson, Kellye Michelle Ferguson, 1314 Alamo Ave, Murfreesboro, TN 37129;  
Adrienne Trammell-Love, 7009 Lenox Village Dr, Ste 103, Nashville, TN 37211;  
U.S. Bank Trust, NA, c/o BSI Financial Services, 1425 Greenway Dr, Ste 400, Irving, TX 75038;  
BSI Financial Services, c/o InCorp Services, Inc., 216 Centerview Dr, Ste 317, Brentwood, TN 37027-3226

***By Certified U.S. Mail:***

U.S. Bank Trust , NA, Attn: Beverly Freeney, Officer, Service of Process Under FRBP 7004(h), 100 Wall St, Ste 1600, New York, NY 10005

Respectfully submitted,

/s/ James M. Davis

James M. Davis

Counsel to the Chapter 13 Trustee

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**PROPOSED**

**ORDER DISALLOWING IN PART CLAIM OF U.S. BANK TRUST, NA (PAYEE BSI  
FINANCIAL SERVICES) (COURT CLAIM 16) AND DETERMINING AMOUNT NECESSARY  
TO CURE THE DEFAULT AND MAINTAIN PAYMENTS**

It appearing to the Court, based upon the request of the Trustee as indicated by his electronic signature below, that the Trustee has filed a notice and motion seeking the disallowance in part of the claim of U.S. Bank Trust, NA (Payee BSI Financial Services) (Court claim 16) and requesting that the Court determine the amount necessary to cure the default and maintain payments on the claim, and that the Trustee has received no objection to the motion, it is, therefore,

ORDERED, the amount necessary to cure the prepetition default for the claim of U.S. Bank Trust, NA (Payee BSI Financial Services) (Court claim 16) is no greater than \$22,777.23 and the claim is disallowed to the extent it states a prepetition arrearage greater than that amount; it is further

ORDERED, the amount necessary to maintain payments on the claim under § 1322(b)(5) is \$1,326.44 (principal and interest \$978.78 and escrow \$347.66)

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE  
TOP OF THE FIRST PAGE.

APPROVED BY:

/s/ James M. Davis  
James M. Davis  
Counsel to the Chapter 13 Trustee  
P. O. Box 340019  
Nashville, TN 37203-0019  
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